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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

‘ĪLIO‘ULAOKALANI COALITION, a)	Civil No. 04-00502 DAE BMK
Hawai'i nonprofit corporation; NĀ ‘IMI)	
PONO, a Hawai'i unincorporated)	PLAINTIFFS' <u>EX PARTE</u> MOTION
association; and KĪPUKA, a Hawai'i)	TO SHORTEN TIME FOR HEARING
unincorporated association,)	MOTION TO FILE SECOND
Plaintiffs,)	AMENDED COMPLAINT AND TO
v.)	JOIN NECESSARY PARTIES;
)	DECLARATION OF ISAAC H.
)	MORIWAKE; CERTIFICATE OF
)	SERVICE
DONALD H. RUMSFELD, Secretary of)	
Defense; and FRANCIS J. HARVEY,)	
Secretary of the United States)	
Department of the Army,)	
Defendants.)	
_____)	

PLAINTIFFS' EX PARTE MOTION TO SHORTEN TIME
FOR HEARING MOTION TO FILE SECOND
AMENDED COMPLAINT AND TO JOIN NECESSARY PARTIES

Plaintiffs ‘Īlio‘ulaokalani Coalition, Nā ‘Imi Pono, and Kīpuka (collectively, “the Hawaiian Groups”) hereby move this Court, ex parte, for an order shortening time for hearing their Motion to File Second Amended Complaint and to Join Necessary Parties (“joinder motion”), filed concurrently with this motion. As the Hawaiian Groups explain in their joinder motion, the law requires joinder of: (1) C.R. Churchill, D.A. Heenan, Richard W. Gushman II, and Ronald J. Zlatroper, the duly appointed, qualified and acting trustees under the Will and of the Estate of James Campbell (collectively, “Campbell Estate”); and (2) John Ray, Timothy E. Johns, and Warren Haruki, the duly appointed, qualified and acting trustees of the Parker Ranch Foundation Trust; the Parker Land Trust; and Parker Ranch, Inc. (collectively, “Parker Ranch”) as necessary parties with respect to the issues of injunctive relief. The Hawaiian Groups respectfully request an expedited hearing on their joinder motion at the earliest possible date, so that it may be resolved in time to: (1) allow complete relief to the Hawaiian Groups, (2) permit this Court to consider the Hawaiian Groups’ claims for injunctive relief on the merits; and (3) enable the joined parties to participate in the schedule for injunctive relief proceedings that the Court set at yesterday’s status conference, including the deadline to file briefs on November 14, 2006 and the hearing on injunctive relief on November 20, 2006.

The Hawaiian Groups have contacted counsel for defendants the Secretary of Defense and the Secretary of the United States Department of the Army

(collectively, “defendants”) to ask them to stipulate to the joinder of necessary parties on an expedited basis, within the parameters of the present schedule, but defendants indicated they were not prepared to stipulate and would oppose the joinder motion. The Hawaiian Groups have also contacted counsel for the Campbell Estate and Parker Ranch to notify them of the Court’s schedule and the Hawaiian Groups’ motions.

This motion is brought pursuant to Rule 7 of the Federal Rules of Civil Procedure and Local Rules 6.2(e) and 7.2(b) and is based upon the Declaration of Isaac H. Moriwake attached hereto, the Motion to File Second Amended Complaint and to Join Necessary Parties filed concurrently herewith, the files and records herein, and such further and additional matters that may be presented prior to the adjudication of this ex parte motion, all of which are incorporated herein by reference.

DATED at Honolulu, Hawai‘i, November 7, 2006.

EARTHJUSTICE
David L. Henkin
Isaac H. Moriwake
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By: /s/ David L. Henkin
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